

## **GROWING & STRENGTHENING AMERICA'S MIDDLE CLASS**

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### **EDUCATION & LABOR LEGISLATIVE VICTORIES**



**110<sup>TH</sup> CONGRESS**

**THE HONORABLE GEORGE MILLER  
CHAIRMAN  
COMMITTEE ON EDUCATION AND LABOR  
UNITED STATES HOUSE OF REPRESENTATIVES**

**March 2008**

### **Education and Labor Legislative Victories**

*In early 2008, Education and Labor Committee Members built on the successes of the previous year, getting key measures passed in the House, including: mine safety legislation, the College Opportunity & Affordability Act, and the Paul Wellstone Mental Health & Addiction Equity Act.*

- ✓ **Making College More Affordable and Accessible**
- ✓ **Enhancing Early Childhood Education**
- ✓ **Protecting Workers**
- ✓ **Strengthening the Economy Through Innovation**
- ✓ **Reviving and Protecting Communities**



## **MAKING COLLEGE MORE AFFORDABLE AND ACCESSIBLE**

### ***Providing the Single Largest Increase in College Aid Since the GI Bill (Signed Into Law)***

The College Cost Reduction and Access Act of 2007, approved by the House on July 11, 2007 by a vote of 273-149 and signed into law on September 27, 2007, provides **the single largest increase in college aid since the GI bill** – roughly \$20 billion over the next five years. And it will do so **at no new cost to taxpayers**, by cutting excess subsidies paid by the federal government to lenders in the student loan industry. Under the law, 6.8 million students who take out need-based federal student loans each year will see the interest rates on their loans halved over the next five



President Bush signing the College Cost Reduction and Access Act.

years, saving the typical borrower (with \$13,800 in need-based loan debt) \$4,400 over the life of the loan, once fully implemented. The bill also boosts maximum Pell Grant scholarships to \$5,400 over the next five years, up from \$4,050 in 2006, provides loan forgiveness for public service members, like nurses, police officers, firefighters, and first responders, makes loan payments more manageable, and gives upfront tuition assistance to students who commit to teaching in high-need public schools.

Another Pell Grant-boosting measure was included in the budget resolution (through the Appropriations Committee), which passed the House on January 31, 2007 by a vote of 286-140. The measure, which raised the Pell Grant scholarship by \$260 to a maximum award of \$4,310, was signed into law on February 15, 2007. This was the first

increase to be signed into law since 2003, when the Pell Grant was raised by \$50.

### ***Expanding College Access for Students and Families (Passed by House)***

On February 7, 2008, the House overwhelmingly passed the College Opportunity and Affordability Act by a vote of 354-58. The legislation will address the rising price of college by encouraging colleges to rein in price increases, clean up corrupt practices in student loan programs and streamline the federal financial aid application process. The bill also addresses textbook costs and increases college aid and support programs for veterans and military families.

In 2007, the House passed the Student Loan Sunshine Act and the Pell Grant Equity Act, which are both included in the College Opportunity and Affordability Act. The Pell Grant Equity Act would repeal a rule that unfairly reduces Pell Grant scholarship aid for low-income college students who attend low-cost colleges and universities.

## **ENHANCING EARLY CHILDHOOD EDUCATION**

### ***Improving School Readiness (Signed Into Law)***

On November 14, 2007, by a vote of 381-36, the House passed the conference report for the Improving Head Start for School Readiness Act of 2007, which was later signed into law on December 12, 2007. Head Start has been the premiere early education program in this country for more than 40 years, serving more than 20 million children in that time. The legislation helps more children arrive at school ready to



succeed by improving teacher and classroom quality, expanding access to Head Start for more children, improving comprehensive services for children in Head Start and their families, and ensuring that taxpayer dollars only fund Head Start centers that are well-run and high-quality.

## **PROTECTING WORKERS: PRESERVING WORKERS' WAGES**

### ***Increasing the Minimum Wage (Signed Into Law)***



**Sen. Edward Kennedy, Rep. George Miller and other lawmakers call for a minimum wage increase.**

After 10 years of no action, the 110<sup>th</sup> Congress approved the Fair Minimum Wage Act of 2007 to provide a minimum wage boost for the lowest paid 13 million Americans with a bipartisan vote of 315-116 on January 10, 2007. It was signed into law on May 25, 2007 as part of an

emergency supplemental appropriations bill. This is a critical first step toward making America more equitable and toward keeping America's economy number one in the world. The Act will increase the minimum wage from \$5.15 per hour to \$7.25 per hour over two years. The first step in that increase has already taken effect.

### ***Lilly Ledbetter Fair Pay Act: Ensuring that Victims of Pay Discrimination Are Treated Fairly (Passed by House)***

On July 31, 2007, the House passed the Lilly Ledbetter Fair Pay Act by 225-199 to overturn a Supreme Court ruling that

made it harder for workers to pursue pay discrimination claims. The legislation is named after Lilly Ledbetter, whose pay discrimination claim was denied by a 5-4 Supreme Court decision on May 29, 2007. The court said she had waited too long to sue for pay discrimination, despite the fact that she filed a charge with the U.S. Equal Employment Opportunity Commission as soon as she received an anonymous note alerting her to pay discrimination. The court ruled that since she did not raise a claim within 180 days of the employer's decision to discriminate, she could not receive back pay.

The Lilly Ledbetter Fair Pay Act would clarify that every paycheck or other compensation resulting, in whole or in part, from an earlier discriminatory pay decision constitutes a violation of the Civil Rights Act. The legislation would also make it clear that employees who are victims of discrimination are entitled to up to two years of back pay, as already provided in the Civil Rights Act.



**Lilly Ledbetter testifies before the Committee.**

### ***Preserving Davis-Bacon Protections***

In 2007, Congress once again demonstrated its commitment to providing a decent standard of living for construction workers by preserving prevailing wage requirements for federally-funded construction projects in legislation such as the Department of Homeland Security Appropriations Act (passed by House), the Water Quality Financing Act (passed by House), and the Farm, Nutrition, and Bioenergy Act (passed by House).

## **PROTECTING WORKERS: PRESERVING WORKERS' RIGHTS**

### ***Employee Free Choice Act: Protecting Workers' Rights (Passed by House)***

On March 1, 2007, the Employee Free Choice Act (EFCA) passed the House, 241-185. The bill would enable workers to bargain for better wages, benefits, and working conditions by restoring their rights to form unions. A key part of House Democrats' overall goal of strengthening America's middle class, the bill would reform a broken union election process in which employers frequently intimidate, harass, reassign, or even fire workers who support the formation of a union.

### ***Employment Non-Discrimination Act (Passed by House)***

On November 7, 2007, the Employment Non-Discrimination Act passed the House by a vote of 235 to 184. The legislation would prohibit employment discrimination, preferential treatment, and retaliation on the basis of sexual orientation by employers with 15 or more employees. Thirty states permit employers to fire employees based solely on their sexual orientation.



### ***Restoring Bargaining Rights to Skilled, Professional and Trades Workers (Passed by Committee)***

On September 19, 2007, by a vote of 26 to 20, the Committee passed the Re-Empowerment of Skilled and Professional Employees and Construction Tradesworkers (RESPECT) Act to ensure the rights of millions of skilled,

professional, and trade workers in the U.S. to join unions and bargain collectively. In October 2006, the National Labor Relations Board handed down a trio of decisions – known collectively as the “Kentucky River” decisions – that could enable employers to reclassify many employees as “supervisors,” thereby denying them the right under the law to organize and bargain collectively. According to the Kentucky River rulings, skilled and professional workers, such as nurses, who regularly direct a co-worker on a single, discrete task just 10 percent of the workday could be considered supervisors, even if they have no authority to discipline, reward, promote, hire, or fire employees. The legislation would clarify the definition of a supervisor so that no employee is unjustly denied the right to join a union.

### ***Extending Collective Bargaining Rights to Public Safety Workers in All 50 States (Passed by House)***

By an overwhelmingly bipartisan vote of 314-97, the House on July 17, 2007 approved the Public Safety Employer-Employee Cooperation Act of 2007 to guarantee the rights of firefighters, police officers, and emergency medical



**Speaker Pelosi, Rep. Miller and public safety workers applaud the passage of collective bargaining legislation**

service workers in all 50 states to collectively bargain for better wages, benefits and working conditions. The bill would provide basic labor protections for state and local public safety workers, including: 1) the right to join a union; 2) the right to have their union recognized by their employer; 3) the right to bargain collectively over hours, wages and terms and conditions of employment; 4) a mediation or arbitration process for resolving an impasse in negotiations; and 5) enforcement of the bill's provisions through the courts.



## **PROTECTING WORKERS: PRESERVING WORKPLACE SAFETY**

### ***Making Work Safer for Miners (Passed by House)***

On January 16, 2008, by a vote of 214-199, the House passed the Supplementary Mine Improvement and New Emergency Response Act (S-MINER) to help prevent mining disasters, improve emergency response when disasters do occur, and reduce long-term health risks, such as black lung disease, facing miners. Mining remains one of the most dangerous occupations in America, with a fatality rate more than seven times higher than the average for all private industries. The measure builds on legislation signed into law in 2006 by addressing serious gaps in mine safety and health standards.

### ***Protecting Food Flavoring Workers from Severe Lung Disease “Popcorn Lung” (Passed by House)***



**Eric Peoples, a victim of popcorn lung, testifies before the committee.**

On September 26, 2007, the House voted 260-154 for the Popcorn Workers Lung Disease Prevention Act to force the Occupational Safety and Health Administration to act to protect workers at food processing plants from exposure to diacetyl, an artificial food flavoring chemical commonly used in microwave popcorn. Diacetyl has been linked to bronchiolitis obliterans, also known as “popcorn lung,” a severe, irreversible lung disease that has sickened and killed a number of workers nationwide.

## **PROTECTING WORKERS: PRESERVING WORKERS’ HEALTH COVERAGE**

### ***Providing Leave Time to Military Families (Passed by House)***

Legislation to allow workers to use Family and Medical Leave to deal with issues that arise as a result of the deployment of a spouse, parent, or child to a combat zone like Iraq or Afghanistan was passed by the House on December 12, 2007, by a vote of 370-49. The measure was offered by Reps. Jason Altmire and Tom Udall as an amendment to the FY 2008 Defense Authorization Bill and is included in the conference report.



Also, in September 2007 the House approved the Support for Injured Servicemembers Act, proposed by Senators Dodd and Clinton and Rep. Woolsey, as part of legislation improving children’s health care. The Act would expand the Family and Medical Leave Act to allow family members of wounded veterans to take up to six months of unpaid leave from their jobs to care for a loved one. This was also included in the FY2008 Defense Authorization conference report.

### ***Giving Americans Better Access to Mental Health Treatment (Passed by House)***

On March 5, 2008, the House passed the Paul Wellstone Mental Health and Addiction Equity Act, 268-148, to ensure better access to treatment for people suffering from mental illnesses. The bipartisan legislation would require group health insurance plans to put coverage for mental illnesses on equal footing with physical ailments. Private health insurers generally provide less coverage for mental illnesses than for other medical conditions.

## ***Preventing Genetic Discrimination (Passed by House)***

The House passed the Genetic Information Nondiscrimination Act of 2007 on April 25, 2007, by 420-3, to protect personal genetic information from discriminatory use by health insurers and employers. The measure was also inserted into the Paul Wellstone Mental Health and Addiction Equity Act, which passed the House on March 5, 2008, 268-148. The bipartisan legislation, introduced in January by Reps. Louise Slaughter and Judy Biggert, would prohibit employers from using individuals' genetic information when making hiring, firing, job placement or promotion decisions. It would also make it illegal for group health plans and health insurers to deny coverage to healthy individuals or charge them higher premiums based solely on a genetic predisposition to a specific disease.

## ***PROTECTING AMERICAN WORKERS IN A GLOBAL ECONOMY***

### ***Assisting Workers Affected by International Trade (Passed by House)***



On October 31, 2007, with a vote of 264-157, the House approved the Trade and Globalization Act of 2007 to help reduce the devastating impact of plant closures and mass layoffs on workers, their families and their communities. The measure includes the Early Warning and Health Care for Workers Affected by Globalization Act approved by the Committee on October 18, 2007, 26-18. The measure would provide workers with more advance notice of impending layoffs, strengthen penalties for businesses that fail to give employees proper notice, and extend health care coverage for workers. It also extends the time period from 18 months to 30 months that workers who lose their jobs because of

trade can continue their group health insurance coverage (also known as COBRA coverage). Also, for those workers who lose their jobs because of trade and are 55 and older or who have worked for the same employer for over 10 years can extend their COBRA coverage until they are Medicare eligible or become covered by another plan.

## ***Reining In Unscrupulous Foreign Labor Recruiters (Passed by House)***

The House passed legislation to hold employers and foreign labor contractors responsible for foreign workers recruited for jobs in the United States (as part of the Trafficking Victims Protection Act, passed on December 4, 2007 by 405-2). The measure, which includes many provisions proposed by Chairman Miller earlier in the year, would require clear and accurate disclosure of terms of employment to recruited workers in their native language including location, compensation, job requirements, and commissions paid by employers to recruiters, among other items. It would also outlaw exorbitant fees paid by workers to recruiters that expose workers to bankruptcy or other financial harm. The bill also requires foreign labor recruiters to register with the Department of Labor and gives the Department the ability to exclude unscrupulous recruiters from participating in guest worker programs.

## ***STRENGTHENING THE ECONOMY THROUGH INNOVATION***

### ***The 21<sup>st</sup> Century Competitiveness Act (Signed Into Law)***

The 21<sup>st</sup> Century Competitiveness Act was signed into law on August 8, 2007 and would make major investments in education and job training programs to help encourage America's innovative spirit and strengthen the nation's

economic competitiveness. The law, which was passed by the House on August 2, 2007 by a vote of 367-57, will provide training programs for students who want to enter into science, technology, engineering and math (STEM) career paths, create programs to enhance teacher education in the STEM fields, and place highly qualified teachers in high-need schools.

### ***Preparing Workers for “Green Collar” Jobs to Fight Global Warming (Passed by House)***



On December 6, 2007, the House passed the Green Jobs Act of 2007, 235-181, as part of the energy bill, which was then signed into law on December 19, 2007. The measure, which would help train American workers for jobs in the renewable energy and energy-efficiency industries – industries that are key to U.S. and world efforts to combat global warming, was passed earlier by the Committee by a vote of 26-18 on June 27, 2007. The measure authorizes up to \$125 million in funding to establish national and state job training programs, administered by the U.S. Department of Labor, to help address job shortages that are impairing growth in green industries, such as energy efficient buildings and construction, renewable electric power, energy efficient vehicles, and biofuels development.

### ***REVIVING AND PROTECTING COMMUNITIES THROUGH EDUCATION AND SERVICE***

#### ***Aid to Gulf Coast Area Schools (Signed Into Law)***

The Committee took the lead in securing emergency financial assistance for schools and colleges in Gulf Coast communities

devastated by Hurricane Katrina. A disaster supplemental bill passed by the House on May 10, 2007, 221-205 and signed into law on May 25, 2007 included \$60 million in federal assistance to address teacher shortages in schools Gulf Coast area schools and to provide funding to schools and colleges to help them pay off debt and meet other recovery challenges they’ve faced over the past year and a half.

### ***Renewing and Improving National Community Service and Volunteer Programs (Passed by Committee)***



On June 27, 2007, the Committee overwhelmingly approved the Generations Invigorating Volunteerism and Education (GIVE) Act, 44-0, to expand and improve key community service programs, including AmeriCorps, VISTA, Senior Corps, and Learn and Serve America. The measure would: 1) increase the number of AmeriCorps volunteers by 25,000 to 100,000 by 2012; 2) increase stipends for AmeriCorps volunteers; 3) initiate a “Summer of Service” program to give young people from middle school through high school the opportunity to spend a summer in service to their community; and 4) create an AmeriCorps Alumni Reserves Network to tap into the skills and experience of alumni volunteers, with a particular focus on assisting during emergencies or natural disasters.

### ***Keeping Children and Communities Safe (Passed by House)***

On December 5, 2007, the House overwhelmingly passed the Protecting Our Children Comes First Act, legislation to reauthorize and fund federal missing and exploited children programs, including the National Center for Missing and Exploited Children, which has been on the frontlines of federal efforts to reunite families in the aftermath of Hurricane Katrina.

## **AT A GLANCE: EDUCATION & LABOR LEGISLATION**

### ***Signed Into Law:***

<b>Bill</b>	<b>Date Signed</b>	<b>Date Passed House</b>
Fair Minimum Wage Act of 2007	May 25, 2007	January 10, 2007 315-116
Aid to Gulf Coast Area Schools (as part of disaster supplemental bill)	May 25, 2007	May 10, 2007 221-205
21 <sup>st</sup> Century Competitiveness Act	August 8, 2007	August 2, 2007 367-57
College Cost Reduction and Access Act of 2007	September 27, 2007	July 11, 2007 273-149
Improving Head Start for School Readiness Act of 2007	December 12, 2007	November 14, 2007 381-36
Green Jobs Act of 2007 (as part of energy bill)	December 19, 2007	December 6, 2007 235-181

### ***Passed by House:***

<b>Bill</b>	<b>Date Passed</b>	<b>Vote Tally</b>
Pell Grant Equity Act	February 27, 2007	Voice vote
Employee Free Choice Act (EFCA)	March 1, 2007	241-185
Genetic Information Nondiscrimination Act of 2007	April 25, 2007	420-3
Student Loan Sunshine Act	May 9, 2007	414-3
Child Labor Protection Act of 2007	June 12, 2007	Voice vote
Public Safety Employer-Employee Cooperation Act of 2007	July 17, 2007	314-97
Lilly Ledbetter Fair Pay Act	July 31, 2007	225-199
Popcorn Workers Lung Disease Prevention Act	September 26, 2007	260-154
WARN & COBRA measure (as part of the Trade and Globalization Assistance Act)	October 31, 2007	264-157
Employment Non-Discrimination Act	November 7, 2007	235-184
Recruiter bill (as part of the Trafficking Victims Protection Act)	December 4, 2007	405-2
Protecting Our Children Comes First Act	December 5, 2007	408-3
Leave Time for Military Families (as part of FY 2008 Defense Auth.)	December 12, 2007	370-49

*(Chart continued on next page)*

Supplemental Mine Improvement & New Emergency Response (S-MINER) Act	January 16, 2008	214-199
College Opportunity & Affordability Act (COAA)	February 7, 2008	354-58
Paul Wellstone Mental Health & Addiction Equity Act	March 5, 2008	268-148

### ***Passed by Committee:***

<b>Bill</b>	<b>Date Passed</b>	<b>Vote Tally</b>
Generations Invigorating Volunteerism & Education (GIVE) Act	June 27, 2007	44-0
Re-Empowerment of Skilled and Professional Employees and Construction Tradesworkers (RESPECT) Act	September 19, 2007	26-20
Early Warning and Health Care for Workers Affected by Globalization Act	October 18, 2007	26-18



**Representative George Miller (D-CA)**  
**CHAIRMAN**  
**Committee on Education and Labor**

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UPDATES FROM THE EDUCATION AND LABOR  
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